

Excerpts

Unapproved Planning Commission Minutes

March 13, 2002

Application No. UP-594-02, Dominion Virginia Power: Request for an amendment to Resolution No. R82-221(R-2), as amended in 1992 and 1999, to modify certain Special Use Permit conditions relating to fly ash removal from the Dominion Virginia Power-Yorktown Power Station located on approximately 160 acres on the east side of Old York-Hampton Highway (Route 634) approximately 650 feet of its intersection with Allen Harris Drive (Route 1381). The applicant requests to amend the use permit to permit the use of Newsome Drive and Old York-Hampton Highway south of Newsome Drive as a haul route for trucks involved in the removal of stockpiled fly ash material.

Mr. Timothy Cross summarized the staff memorandum to the Commission dated March 5, 2002, in which the staff recommended approval. He was assisted by a brief video presentation.

Mr. John E. Matthews, John E. Matthews and Associates, 101 Mill Road, represented the applicant. Mr. Matthews distributed a handout to the Commission that included notes of the Yorktown Power Station Community Focus Team meeting on November 7, 2001; as well as a map of the proposed haul route and a copy of a letter to the York County Board of Supervisors from the Waterview Homeowners' Association Board of Directors, dated December 1, 2001 (both of which had been attached to the March 5 staff memorandum). Mr. Matthews introduced Mr. Bruce Easley of Dominion Virginia Power, and Messrs. Bob Junkelman and Richard Wallace of Waterview Homeowners' Association and the Community Focus Team.

Mr. Matthews explained that the intent of the application is to amend the approved alternate routes for the transport of fly ash. He has met, he said, with representatives of the contractor for the fly ash removal, with Ryson International (an adjacent property owner), and with the Industrial Development Authority which expressed no objection to the proposal. He explained the partnership between Dominion Virginia Power and York County in the ownership and development of York River Commerce Park.

Hearing no questions, Vice Chair Simasek opened the public hearing.

Mr. Bill Jordan, 123 Wethersfield Park, pointed out that the proposed extended hauling route passes by includes a mobile home park and a church with plans for a day school. He did not believe it was necessary to expand beyond the two approved hauling routes and did not support any fly ash hauling on residential streets, particularly in areas used by small children and school buses.

Mr. Paul Garman, 109 Chisman's Point Road, spoke as a representative for Ryson International. Mr. Garman explained that Newsome Drive ends at the front entrance of the building under construction by his clients. Because the Newsome Drive right-of-way runs the length of Ryson's property, Mr. Garman requested that the extended Newsome Drive be constructed and finished in the

same fashion as the existing Newsome Drive, including curb and gutter, to preserve the same appearance from one end of the road to the other.

Mr. Spindler Krause, Jr., 1421 Back Creek Road, said he has lived in the County since 1956 and the large industrial parks have brought “insults and injuries” to the County. He did not believe a third route is needed for hauling fly ash and pointed out that the intersection of Route 17 and Old York-Hampton Highway is already congested every morning. He is vice president of Victory Industrial Park Property Owners Association, he said, and recommended that, if approved, the expanded haul route specifically not include Freedom Boulevard because it should be preserved for local traffic and an additional 200 trips per day will destroy the road. Mr. Krause said he had spoken with the pastor of his church, St. Mark Lutheran, whom he said also opposes the use of Freedom Road for the disposal of fly ash. The church will sponsor a day school beginning in the fall of 2002 and safety might be an issue with the addition of 200 truck trips per day. Mr. Krause did not think that fly ash is bad, *per se*, but he discouraged allowing additional traffic to what is now an impediment to regular church activities. He asked how the trucks are designed to prevent spillage of fly ash during hauling operations.

Mr. John Matthews requested and received permission to respond to some of the citizens’ comments. Mr. Matthews said the destination of fly ash for use as fill material determines its hauling mode by truck rather than rail. As for the extension of Newsome Drive, he noted that the applicant and the Industrial Development Authority have joined in petitioning the Virginia Department of Transportation to finish the remainder of Newsome Drive to VDOT standards, and he invited principals or agents of Ryson International to join that cooperative effort. Mr. Matthews pointed out that all of the approved and requested haul routes are on roads that were built to industrial specifications and are zoned for general industrial purposes. A traffic impact analysis that the applicants submitted to the County and to VDOT indicated that no traffic backups are occurring at the intersection of Route 17 and Old York-Hampton Highway and that service to that intersection and to Freedom Boulevard should not change at all with the approval of the application, he said.

Responding to Mr. Krause, Mr. Matthews said the application if approved would not permit use of Freedom Boulevard as a hauling route.

The Vice Chair closed the public hearing.

Mr. Hendricks moved to adopt Resolution PC02-12.

PC02-12

On motion of Mr. Hendricks, which carried 6:0 (Mr. Semmes absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND RESOLUTION NO. R82-221(R-2), AS AMENDED BY RESOLUTION NOS. R92-191(R), R92-292, AND R99-69(R), REGARDING HAUL ROUTES FOR

THE REMOVAL OF FLY ASH FROM THE DOMINION VIRGINIA POWER-
YORKTOWN POWER STATION AND ASH DISPOSAL SITE

WHEREAS, Dominion Virginia Power has submitted Application No. UP-594-02 to amend Resolution No. R82-221(R-2), as amended by Resolution Nos. R92-191(R), R92-292, and R99-69(R), to expand and clarify the range of permitted haul routes for the removal of fly ash from Dominion Virginia Power-Yorktown Power Station and ash disposal site; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Commission has carefully considered the comments of the public with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of March, 2002, that Application No. UP-594-02 be, and it is hereby, forwarded to the Board of Supervisors with a recommendation of approval to amend Condition A33 of Resolution No. R82-221(R), as amended by Resolution Nos. R92-191(R), R92-292, and R99-69(R), to read and provide as follows:

A33. Any entrance to or from the ash site to a secondary road in the State system, or, as in the case of Newsome Drive, a road proposed for acceptance into the State secondary system, shall be upgraded to the satisfaction of the Virginia Department of Transportation (VDOT) and York County prior to the commencement of any removal activities utilizing said entrance. In addition, a bond or other acceptable surety shall be posted with the Virginia Department of Transportation (VDOT) in the amount of \$25,000 to cover any road damages as a result of the removal operation. In addition, at no time shall this activity generate more than four hundred (400) vehicle trip ends per day.

Off-site transport of fly ash in non-hermetically sealed vehicles shall be permitted provided that the moisture content and all other applicable requirements specified herein are observed, and provided that non-rail transport routes shall be limited to primary and interstate highways and the following roads:

- A) That portion of Hornsbyville Road between the haul road and Goodwin Neck Road (Route 173).
- B) That portion of Wolftrap Road between the haul road and Goodwin Neck Road; and

- C) *That portion of Newsome Drive from its eastern terminus to Old York-Hampton Highway (Route 634); and*
- D) *That portion of Old York-Hampton Highway between Newsome Drive and Route 17.*
